

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ki-jae DO

Serial No. 10/635,901

Confirmation No. 7796

Filed: August 7, 2003

For: AN IMAGE FORMING APPARATUS HAVING DEVELOPING GAP DETECTING  
FUNCTION

Group Art Unit: 2852

Examiner: Sandra L. Brase

**STATEMENT OF PROOF THAT PETITION TO REVIVE  
APPLICATION WAS SUBMITTED IN FULL**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**BOX PETITIONS BRANCH**

Sir:

This is in response to the Decision on Petition mailed August 26, 2005, and having a period for response set to expire on October 26, 2005.

The Petition to Revive Application was submitted in its entirety along with the Issue Fee Transmittal on July 6, 2005. Attached hereto is the Petition to Revive, copy of Decision on Petition, and our confirmation facsimile sheet stating that all 4 pages including Petition to Revive (including statement confirming unintentional delay and signature; 2 pages), Issue Fee Transmittal (1 page), and facsimile cover sheet (1 page) were successfully faxed on July 6, 2005.

Applicants further herein confirm that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. In addition, if there are any underpayments of fees associated with this filing or the previous filing of the Petition to Revive Application, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLPDate: 10/25/05By: Stephen T. Boughner  
Registration No. 45,3171201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Revive : 10-26-05

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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STAAS & HALSEY LLP  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005



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AUG 26 2005

OFFICE OF PETITIONS

In re Application of  
Ki-jae Do  
Application No. 10/635,901  
Filed: August 7, 2003  
Attorney Docket No. 1349.1191

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed July 6, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed March 18, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned as of midnight on June 18, 2005.

Although the facsimile transmission sheet states 4 pages were transmitted, the file only contains 3 pages - 1 page facsimile transmittal sheet, first page of petition, 1 page issue fee transmittal form.

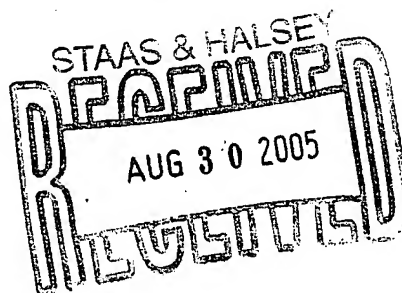
It appears that page 2 of the petition has been misplaced. As a result, the petition is unsigned and does not include a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The Office requests petitioner resubmit a copy of page 2 along with a statement that page 2 was in fact filed with the papers on July 6, 2005. See 37 CFR 1.8(b).

The petition states that the application became abandoned on June 21, 2005. However, since a timely reply was not filed, abandonment occurred as of midnight on June 18, 2005. Any future statement that the entire delay was unintentional from the due date for the reply until the filing of the instant petition is being construed to include the time period between June 18, 2005, and July 14, 2005.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450




By facsimile: (571) 273-8300  
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Petitions Attorney  
Office of Petitions

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attorney Docket No.  
1349.1191

First Named Inventor	Ki-jae DO		
Application No.	10/635,901	Group Art Unit	2852
Filing Date	August 7, 2003	Examiner	Sandra L. Brase
Title of Invention	AN IMAGE FORMING APPARATUS HAVING DEVELOPING GAP DETECTING FUNCTION		

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
PO Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper response to the Notice of Allowance mailed on March 18, 2005, which set a June 20, 2005 date for response. The abandonment date of this application is accordingly June 21, 2005.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proposed response and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### **1. Petition fee**

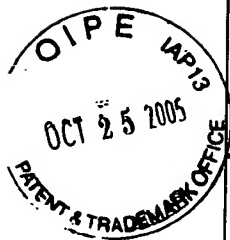
- ☐ Small entity - fee \$750.00 (37 CFR 1.17(m))
- ☐ A small entity statement is enclosed.
- ☐ A small entity statement was previously filed; such status is still proper and desired.
- ☒ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

### **2. Proposed response and/or fee**

- A. The proposed response and/or fee to the above noted Office Action in the form of (identify type of response):
- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.
- B. The issue fee (37 CFR 1.18(a)) of \$ 1,400.00
- ☐ has been paid previously on \_\_\_\_\_.
- ☒ is enclosed herewith.
- C. The publication fee (37 CFR 1.18(d)) of \$ 300.00
- ☐ has been paid previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

### **3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$65.00 for a small entity or \$130.00 for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.



4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Where a petition under 37 CFR 1.137(b) is not filed within three months from the mail date of a notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

5. METHOD OF PAYMENT

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☒ Charge fees of \$3,200.00 to Deposit Account No. 19-3935. (A duplicate copy of this form is enclosed.)

6. GENERAL AUTHORIZATION

- ☒ The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application and of any related application(s) claiming benefit hereof pursuant to 35 USC §120 to maintain pendency hereof and of any such related application to:  
Deposit Account No. 19-3935.

7. NEW CORRESPONDENCE ADDRESS

STAAS & HALSEY LLP: CUSTOMER NO. 21,171  
Telephone: (202) 434-1500 Facsimile: (202) 434-1501

8. SIGNATURE OF REGISTERED PRACTITIONER

NAME	Stephen T. Boughner	REGISTRATION NO.	45,317
SIGNATURE		DATE	July 6, 2005

- ENCLOSURES: ☐ Response  
☒ Fee Payment (see Item 5, above)  
☐ Terminal Disclaimer Form  
☐ Detailed Explanation of Delay in Filing Petition  
☒ Issue Fee Transmittal

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

**CERTIFICATE OF MAILING [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing Certificate

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on July 6, 2005

STAAS & HALSEY

By: Stephen T. Boughner

Date: July 6, 2005

Confirmation Report - Memory Send

Page : 001  
Date & Time: Jul-06-05 05:11pm  
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Job number : 698  
Date : Jul-06 05:09pm  
To : 17038729306  
Number of pages : 004  
Start time : Jul-06 05:09pm  
End time : Jul-06 05:11pm  
Pages sent : 004  
Status : OK

Job number : 698

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**LAW OFFICES  
STAAS & HALSEY LLP**

Telephone  
(202) 434-1500

1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005

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**FACSIMILE TRANSMISSION**

July 6, 2005

TO : U.S. PATENT AND TRADEMARK OFFICE  
ATTN: OFFICE OF PETITIONS  
FAX NO.: 703-872-9306  
FROM: Stephen T. Boughner  
RE: PETITION TO REVIVE APPLICATION WITH ISSUE FEE TRANSMITTAL  
SERIAL NO. 10/635,901

TELEPHONE:

OUR DOCKET: 1349.1191

NO. OF PAGES (Including this Cover Sheet) 4

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COMMENTS:

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being trans-  
mitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on July 6, 2005  
by STAAS & HALSEY  
Date: July 6, 2005